

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of
Ranking Member Greg Walden**

Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl

July 16, 2019

Chair DeGette, thank you for holding this hearing on getting illicit fentanyl off our streets.

Fentanyl is so deadly that a piece the size of a few grains of salt can kill you, and reportedly led to 49 deaths in Oregon in 2017. Ridding our communities of fentanyl is a key piece of combating the opioid crisis in Oregon and across the country.

Illicit fentanyl is a tremendously difficult and dynamic problem. It is hard to detect, highly potent, and lucrative enough to be sent in small envelopes or packages. While the heroin market was monopolized by large criminal groups, this fentanyl wave is harder to police. It is coming almost entirely from the black market on the dark web and clandestine labs in China and Mexico with many mid-level and small operators, in addition to drug smuggling operations like the cartels.

This Subcommittee last held an oversight hearing on illicit fentanyl in March 2017. The need then for fentanyl-focused action was clear.

Two years later, there are numerous significant accomplishments.

Last year, this Committee worked in a bipartisan way to enact the SUPPORT Act to bolster the fight against opioids such as fentanyl. This law helped provide advance electronic data of international mail shipments to help target and intercept illicit fentanyl. This Act also provided the FDA with a new tool for deterring imports of illicit fentanyl.

The Trump Administration has spurred important actions in the fentanyl fight. Our nation is getting cooperation from China on class-based scheduling, which helps remove an incentive for traffickers to introduce new substances in the fentanyl family for the purpose of evading controls. President Trump deserves credit for moving this bold proposal, based on the longstanding work of the White House Office on National Drug Control Policy, the DEA, and the State Department. President Xi of China deserves credit for agreeing to a commitment to crack down on fentanyl as a class. While it is too soon to assess the impact, early indications seem encouraging.

Since February 2018, DEA has imposed emergency scheduling of fentanyl-related substances. We need to work with DEA and other federal agencies to find the best approach to make this scheduling permanent. The Stop the Importation & Trafficking of Synthetic Analogues

(SITSA) Act, which would have given law enforcement additional tools they need to help get illicit synthetic drugs, like fentanyl, off our streets without compromising important public health and research protections was included in the House-passed version of the SUPPORT Act, but ultimately not included in the final package that became law. Mr. Katko's legislation is a good place to start.

In July 2017, the Department of Justice announced the seizure of AlphaBay, the largest criminal marketplace on the dark web, and a major source of fentanyl linked to overdose deaths. The AlphaBay takedown was an international operation led by the U.S.

Both DEA and CBP recently made the largest seizures of fentanyl in U.S. history. Federal agents working with local police seized 50 kilos of a fentanyl precursor in May 2017, apparently one of the largest, if not the largest, seizure of a precursor in the U.S.

For the first time, the Justice Department announced indictments of Chinese nationals for conspiracies to distribute large quantities of fentanyl and fentanyl analogs.

In May 2019, a darknet drug dealer was indicted for selling fentanyl online, thanks to Homeland Security Investigations' yearlong nationwide undercover actions to target vendors of illicit goods on the dark web.

Under an agreement with the U.S. Postal Service, China Post is providing advanced electronic data on parcels mailed to the U.S.

FDA and CBP signed an agreement in April 2019 to maximize inspection and detection capabilities to products such as fentanyl from entering the U.S.

We salute the federal agencies for this work, but big challenges remain. More work is needed to get better cooperation from Mexico's law enforcement authorities. We need to remain vigilant with China on its fentanyl commitment. Much more needs to be done to collect better data on fentanyl trafficking and to improve data-sharing. We want to hear more on a strategy to disrupt fentanyl trafficking. We will be asking questions on how we can strengthen our efforts, and what help this Committee can provide.

The SUPPORT Act was a great start. Let's continue our bipartisan legislative efforts to combat this crisis.

I look forward to the testimony and thank our witnesses for being here today.